

DUPLICATE

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

Amendment of Section 73.202(b))

Table of Allotments)

New FM Broadcast Stations)

(Fairbanks, AK))

MB Docket No. _____

RM - _____

FILED/ACCEPTED**SEP 24 2009**Federal Communications Commission
Office of the Secretary

To: Office of the Secretary
Attn: Chief, Audio Division
Media Bureau

PETITION FOR RULEMAKING

Educational Media Foundation ("EMF"), by its undersigned attorneys, by this petition and related FCC Form 301 applications, hereby petitions the Federal Communications Commission to initiate a rulemaking proceeding to amend Section 73.202(b) of the Commission's Rules, the FM Table of Allotments, to add the following allotments:

<u>CITY</u>	<u>CHANNEL</u>
Fairbanks, AK	224C2
Fairbanks, AK	232C2

Fairbanks, Alaska is a community for allotment purposes. Fairbanks boasts a population of 30,224 persons with its own mayor and city council. Fairbanks is home to several schools and maintains its own fire department and police department. Furthermore, the Commission has previously found that Fairbanks is a licensable community by allotting 6 FM stations and 1 AM station to the community.

As illustrated in the Engineering Statement attached hereto as Exhibit 1, Channels 224C2 and 232C2 can be assigned to the community of Fairbanks at the following reference coordinates

MB 09-72

and remain compliant with the Commission's short-spacing rules because the minimum distance separation requirements of Section 73.207 have been met. Additionally, at the following reference coordinates, based on the proposed effective radiated power and antenna height above average terrain, the entire community of Fairbanks would be covered by the 70 dBu contour of the stations.

<u>COORDINATES (NAD27)</u>	<u>CHANNEL</u>
N64-55-20, W147-42-49	224C2
N64-55-20, W147-42-49	232C2

The instant request to amend the FM Table of Allotments would further the Commission's allotment priorities by bringing two new aural reception services to 81,719 persons living in a remote state, and no community will lose any present or proposed service as a result of this grant.

Concurrently herewith, EMF has prepared and filed the necessary FCC Form 301 applications seeking an original construction permit for each of these new allotments. Furthermore, in the event that the Channels 224C2 and 232C2 are allotted to Fairbanks, Alaska, and applications are submitted mutually exclusive to those of EMF, EMF will participate in an FM auction of the allotments, should one be necessary.

Respectfully submitted,

Educational Media Foundation

By: 

Karen A. Ross
David D. Oxenford

Its Attorneys

DAVIS WRIGHT TREMAINE LLP
1919 Pennsylvania Avenue, N.W., #200
Washington, D.C. 20006
(202) 973-4200

Dated: September 24, 2009

EXHIBIT 1

Educational Media Foundation
5700 West Oaks Boulevard
Rocklin, CA 95765

Fairbanks, AK

Engineering Statement

This Engineering statement is being submitted in support of a proposed rulemaking requesting the allotment of FM channels 224C2 and 232C2 to Fairbanks, Alaska.

47 C.F.R 73.207

The allotment requests made by Educational Media Foundation complies with Section 73.207 of the Commission's rules regarding minimum distance separation between stations. As can be seen in the channel scans below the requested allotments of Channel 224 and Channel 232 are separated from other allotments and assignments on the same channel and five pairs of adjacent channels by not less than the minimum distances specified in paragraphs (b) and (c) of 47 C.F.R 73.207. In fact, there are no other allotments within the range discussed.

Distance Channel Scan – Channel 224:

REFERENCE							DISPLAY DATES
64 55 20.0 N.			CLASS = C2 Int = B				DATA 07-07-09
147 42 49.0 W.			Current Spacings				SEARCH 07-07-09
----- Channel 224 - 92.7 MHz -----							
Call	Channel	Location		Azi	Dist	FCC	Margin

Reference station has protected zone issue: Canada							

Distance Channel Scan – Channel 232:

REFERENCE							DISPLAY DATES
64 55 20.0 N.			CLASS = C2 Int = B				DATA 07-07-09
147 42 49.0 W.			Current Spacings				SEARCH 07-07-09
----- Channel 232 - 94.3 MHz -----							
Call	Channel	Location		Azi	Dist	FCC	Margin

Reference station has protected zone issue: Canada							

Therefore, the proposed allotments are in compliance with 47 C.F.R. 73.207.

Educational Media Foundation
5700 West Oaks Boulevard
Rocklin, CA 95765

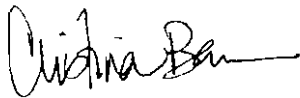
Fairbanks, AK

47 C.F.R 73.315

Both proposals will serve the requested community of license, Fairbanks, AK, by a minimum field strength of 70 dB above one uV/m over the entire principal community. See Exhibit 1a and Exhibit 1b for coverage maps.

Therefore, the proposed allotments are also in compliance with 47 C.F.R. 73.315.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Cris Baron", with a long horizontal flourish extending to the right.

Cris Baron
Signal Development Specialist
Educational Media Foundation
September 23, 2009

Exhibit 1 A

NEW

Latitude: 64-55-20 N
Longitude: 147-42-49 W
ERP: 10.00 kW
Channel: 224
Frequency: 92.7 MHz
AMSL Height: 457.0 m
Elevation: 338.28 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None

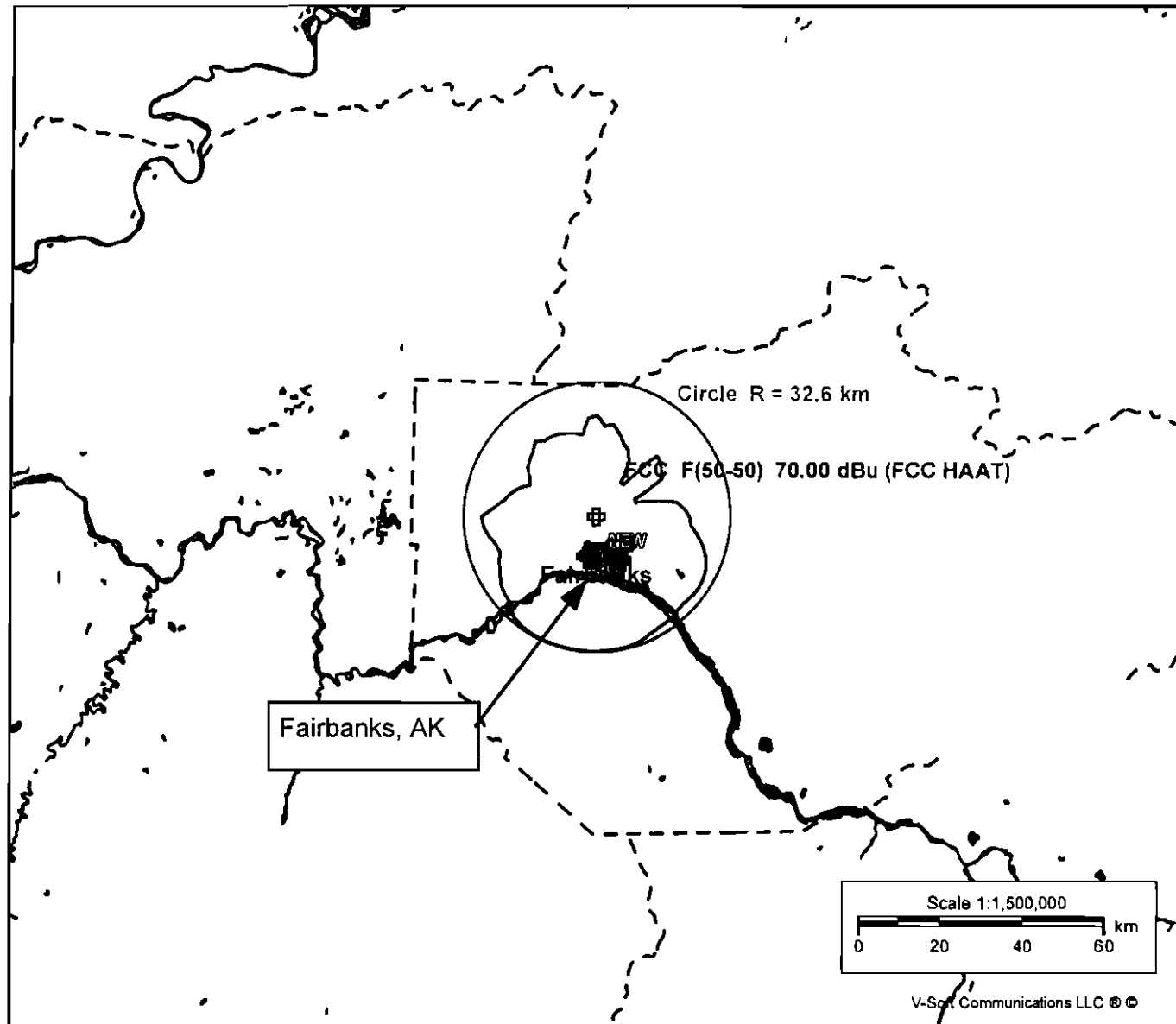
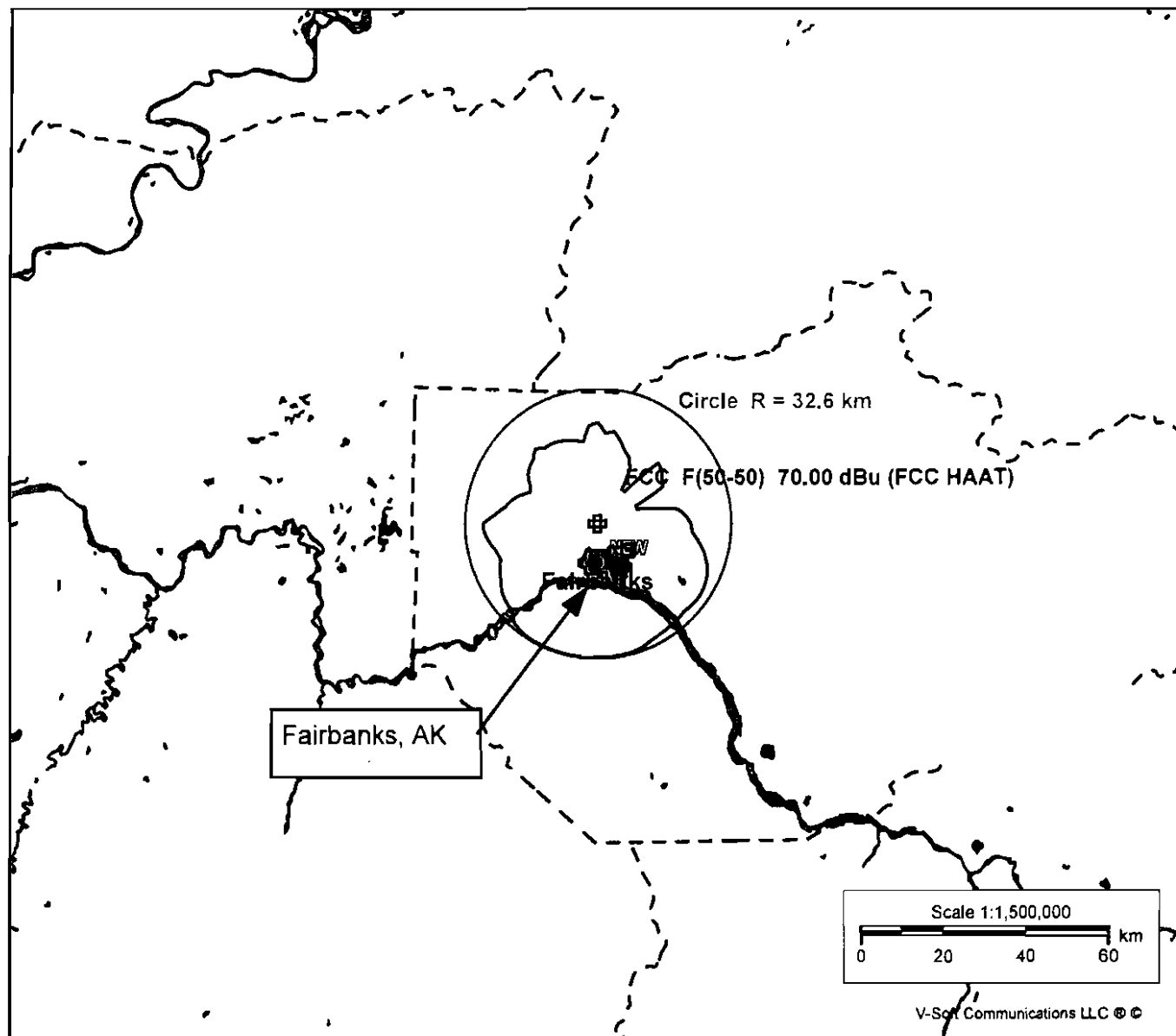


Exhibit 1 B

NEW


Latitude: 64-55-20 N
Longitude: 147-42-49 W
ERP: 10.00 kW
Channel: 232
Frequency: 94.3 MHz
AMSL Height: 457.1 m
Elevation: 338.28 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: None



CERTIFICATE OF SERVICE

I, Rhea Lytle, a Secretary in the law firm of Davis Wright Tremaine LLP, hereby certify that on this 24th day of September 2009, I caused a copy of the foregoing "**PETITION FOR RULEMAKING**" to be served by hand delivery, upon the following:

James D. Bradshaw*
Deputy Chief, Audio Division
Media Bureau
Federal Communications Commission
445 12th Street, S.W.
Room 2-A262
Washington, D.C. 20554



Rhea Lytle

*Via Hand Delivery